

SENATE CHAMBER,
AUSTIN, TEXAS, Thursday, May 4, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—excused—Senator Evans.

Prayer by the Chaplain.

Journal of yesterday morning read and approved.

PETITIONS AND MEMORIALS.

By Senator Pettit: a petition of trustees and patrons of Woodland College, in Freestone county. Read and referred to Committee on Education.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,
AUSTIN, May 4, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bill No. 398, "An act to establish a ferry across Brazos river, at or near the mouth of the Little Brazos river, in the counties of Brazos and Burleson," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Report read and received.

Under direction of the President the Secretary carried to the House, for concurrence, Senate bill No. 398.

Under directions of the President, the Secretary returned to the House, House Enrolled Bills, as follows, informing the House that the President had signed the same in open session:

House bill No. 270, "An act to authorize W. W. Knight to erect a toll bridge over Waxahachie creek, Ellis county, Texas."

House bill No. 358, "An act to authorize the Board of Aldermen of the city of Waco, to lease a part of the ground on the public square of said city, for certain purposes."

House bill No. 501, "An act to incorporate the Germania Club, of the city of Galveston."

House bill No. 583, "An act supplementary to an act, entitled 'an act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier,' approved August 5, 1870."

House bill No. 601, "An act to authorize the County Court of Ellis county, to issue coupon interest bearing bonds to aid in the construction of a court house and jail in said county."

Also, enrolled House joint resolution No. 24, "Joint resolution for the relief of Davis county."

Also, transmitting for concurrence of the House, Senate joint resolution No. 36, "Instructing and requesting our Congressional delegates to urge upon Congress the reimbursement to cotton raisers of the cotton tax imposed upon the products of the soil by act of Congress 1864, 1866 and 1867."

Also, returning to the House, House bill No. 199, "An act to incorporate the Gymnastic Association of High Hill, Fayette county, Texas," informing the House that the Senate had passed the same with the following amendment:

Senate amendment to House bill No. 199: Amend by striking out section two.

Also, without amendment, which the Senate had passed, House bill No. 278, "An act authorizing administrators, executors, guardians and trustees to secure their bonds by pledge of real estate."

Also, returning to the House, House bills No. 39, "An act to prohibit the sale or distribution of spirits, vinous or other intoxicating liquors, within certain limits of the Grapevine Masonic Institute, in the town of Grapevine, Tarrant county, Texas;" No. 200, "An act further regulating proceedings in the several courts of the State of Texas," and transmitting for the action of the House thereon the following Senate substitutes for the same:

Senate substitute for House bill No. 39, "An act to prohibit the sale of spirituous or other intoxicating liquors within two miles of Grapevine Masonic Institute, in the town of Grapevine, Tarrant county, Texas."

Senate substitute House bill No. 200, "An act further regulating proceedings in the several courts of the State of Texas."

Also, transmitting for the signature of the Speaker, the following enrolled Senate bills:

Senate bill No. 102, "An act to further amend the eleventh section of 'an act to provide for the registration of deeds and other instruments of writing,' approved May 12, 1846."

Senate bill No. 195, "An act to incorporate the Hempstead and West Liberty Air Line Railway Company."

Senate bill No. 197, "An act to require the clerk of the District Court of Lamar county to index the records of his office and providing for his payment therefor."

Senate bill No. 237, "An act for the benefit of James S. Montgomery, assignee of H. O'Hara."

Senate bill No. 239, "An act exempting telegraphic operators in this State from serving on juries and in the State militia."

10:30 o'clock A. M.

The hour having arrived to which the high court of impeachment adjourned, the Senate resolved itself into a high court of impeachment for the trial of William H. Russell, Judge of the Fifteenth Judicial District.

HIGH COURT OF IMPEACHMENT.

AUSTIN, TEXAS,
Thursday, May 4, 1871.

THE STATE OF TEXAS *vs.* WILLIAM H. RUSSELL.

The court having been opened by proclamation,

Ordered, That the Secretary inform the House of Representatives that the Senate is now sitting as a high court of impeachment for the trial of William H. Russell, and that seats are provided for the accommodation of the members of the House in the Senate chamber.

The managers attended.

The minutes of Wednesday, May third, read and approved.

Mr. McLean, on the part of the managers, then replied to the argument of the defense of yesterday, upon the demurrer to the articles of impeachment.

The respondent, by his counsel, then closed the argument upon the demurrer on the part of the defense.

By consent of the Senate, Mr. Schutze, on behalf of the managers, then closed the argument upon the demurrer on the part of the managers.

Senator Ruby moved that the high court of impeachment adjourn to 11 o'clock A. M., to-morrow. Lost.

Senator Mills moved that the high court of impeachment adjourn to 4 o'clock P. M., to-day. Lost.

Senator Parsons moved that the court retire for consultation upon

the demurrer interposed by the respondent to the articles of impeachment.

Motion carried by the following vote :

Yeas—Bell, Bowers, Broughton, Cole, Douglass, Flanagan, Hall, Hertzberg, Parsons, Pettit, Pickett, Rawson, Shannon, Tendick—14.

Nays—Mr. President, Baker, Dohoney, Ford, Fountain, Gaines, Hillebrand, Latimer, Mills, Pridgen, Pyle, Ruby, Saylor—13.

The high court of impeachment having retired for consultation, upon their return Senator Fountain submitted the following order :

Ordered, That the demurrer be overruled.

Lost by the following vote :

Yeas—Mr. President, Ford, Fountain, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Ruby, Saylor, Tendick—13.

Nays—Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglass, Flanagan, Hall, Latimer, Pickett, Pyle, Rawson, Shannon—14.

Senator Bowers offered the following order :

It is ordered by the high court of impeachment, that the demurrer be sustained.

Adopted by the following vote :

Yeas—Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglass, Flanagan, Hall, Latimer, Pickett, Pyle, Rawson, Shannon—14

Nays—Mr. President, Ford, Fountain, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Ruby, Saylor, Tendick—13.

Senator Bowers offered the following order :

Ordered, That the following shall be the form of the judgment of the Senate :

“ *Ordered*, That the respondent, Wm. H. Russell go hence without day.”

Adopted by the following vote :

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglass, Flanagan, Ford, Fountain, Hall, Latimer, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Tendick—24.

Nays—Gaines, Hertzberg, Hillebrand—3.

On motion of Senator Fountain, the high court of impeachment adjourned *sine die*.

By order of the President, the Sergeant-at-Arms closed the court by proclamation.

IN SENATE.

On motion of Senator Bowers, the Senate, at 1:30 P. M., adjourned to 10 A. M. to-morrow.